

Remarks

In view of the foregoing amendments and these accompanying remarks, it is respectfully requested that this application be reconsidered.

Claims 1 and 8 have been amended.

Claims 2 -7 have been cancelled with out prejudice.

Claims 9 to 14 are newly presented.

The newly submitted claims serve to address and rectify the objections of paragraphs 1-4.

These claims are believed to more particularly point out and distinctly claim the subject matter herein.

The Applicant has considered the prior art objections and respectfully disagrees with the Examiner. In the Applicant's view, the cited prior art does not anticipate or render obvious the newly presented claims.

New claim 1 finds support in original claim 2 which specifies that the outer layer is a varnish. Based on the embodiment of figure 1, for example, perforations are provided. Clear and unambiguous basis for this amendment can be found on page 3, line 19 where it is stated that "the breathable region comprises perforations." The embodiment of figure 2 shows perforations extending through the varnish layer to the board. Similarly, the embodiment of figure 3 shows this feature. Furthermore, the embodiment of figure 4 shows this feature.

New claim 9 finds support in original claim 6.

New claim 10 finds support on page 5 lines 7 to 9.

New claim 11 finds support on page 5 line 10.

New claim 12 finds support in the embodiment of figure 4 and in particular on page 6 lines 5 to 9.

New claim 13 finds support in the embodiment of page 6 line 27 to 32.

New claim 8 finds support in original claim 8 with the additional special features which were also introduced to new claim 1.

The amended claims are not anticipated by Watkins (US4878765), because that citation fails to show the feature of an outer layer of varnish which incorporates perforations through the varnish layer to the board. Instead of employing perforations, the outer layer 52 of this prior art document is a *“generally porous or gas pervious layer such as Kraft paper”* (col. 10, lines 29-30), rather than a perforated layer. The provision of alternative gas venting means may be seen as teaching away from perforations. Varnish is not contemplated as an appropriate material for an outer layer, although it is considered to be an appropriate material for a coupling layer. (col. 3, line 66) Nowhere in the prior art document is mentioned a perforated layer of any sort; still less in the position mentioned.

Consequently, Watkins (US4878765) fails to anticipate or to make obvious Claim 1.

Amended claim 1 is not rendered obvious by the combination of Watkins and Quick et al. (US4757940) because neither citation features a protective layer wherein the *“protective layer is a varnish which incorporates perforations through the varnish layer to the board.”* While it is possible to construe silicon coated paper as varnished, nowhere is it mentioned that the silicon layer is perforated, still less that it is perforated in a particular way.

Amended claim 1 is not rendered obvious by the combination of Watkins and Lin (US2004/0103989) because neither of the citations features a varnish layer at all.

It follows, therefore, that neither Watkins nor Lin features a protective layer wherein the *“protective layer is a varnish which incorporates perforations through the varnish layer to the board.”* Because Lin discloses neither a board layer nor a varnish layer, the mere presence of perforations cannot be said to provide the stated feature of claim 1. Indeed, the very multiplicity of layers listed in both instances (at paragraphs 27 and 28 – effectively a list of polymers and “paper like materials”) points away from the use of varnish or board. The most that can be said for the contribution of Lin is that it might place the idea of putting some perforations in a layer of material used in food packaging, an idea which occupies a high level of generality, and cannot be said to render claim 1 obvious.

The dependent claims incorporate the features of claim 1 and are therefore also novel over the cited prior art.

Amended claim 8 is also novel and inventive for the same reasons as detailed with regards to amended claim 1.

The Applicant submits that many if not all of the dependent claims are independently distinguishable over the cited prior art. The Applicant has merely submitted those arguments which she considers sufficient to distinguish the claims over the cited prior art.

The effect of these differences is improved performance in combined microwave and oven cooking applications.

Unique advantages arise from the combination of features of new claim 1. They allow the materials to withstand the high temperatures encountered in combination ovens using microwave and conventional heat typically in excess of 240 degrees. They also avoid having to use aluminium foil containers which have been up to now the only practical alternative to the pack in question. The Application at issue provides a form of food packaging that is able to withstand significantly higher temperatures than some or all of the packaging available on the market today.

It also allows improved resistance to change in appearance at such elevated temperatures.

The Application at Issue is therefore novel and inventive with regard to the prior art.

It is therefore requested that a Notice of Allowance be issued and that all of the pending claims be allowed.

Rather than submit amended pages of the description bringing the description in line with the amended set of claims, I respectfully ask for the Examiner's discretion to file these once it is confirmed that the new set of claims can form the basis of a granted US patent.

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Respectfully submitted,
Kelleher & Lilling PLLC
Customer No. 24101
By /Sean Liam Kelleher/
Sean Liam Kelleher
(Reg. No. 54,212)
16 Peckslip Rd
Carmel, New York 10512
Phone (914) 214-5514
Facsimile (914) 358-0510
skelleher@kelleherip.com